

## SENATE BILL No. 444

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5-3.

**Synopsis:** Driving while intoxicated and child endangerment. Provides that a court must order the installation of a certified ignition interlock device on a motor vehicle that is owned or expected to be operated by a person convicted of operating a motor vehicle while intoxicated while a passenger less than 18 years of age was present.

**Effective:** July 1, 2015.

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## Kruse

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January 12, 2015, read first time and referred to Committee on Judiciary.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 444

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 9-30-5-3, AS AMENDED BY P.L.158-2013,  
2       SECTION 159, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in  
4       subsection (b), a person who violates section 1 or 2 of this chapter  
5       commits a Level 6 felony if:  
6               (1) the person has a previous conviction of operating while  
7               intoxicated that occurred within the five (5) years immediately  
8               preceding the occurrence of the violation of section 1 or 2 of this  
9               chapter; or  
10              (2) the person:  
11                  (A) is at least twenty-one (21) years of age;  
12                  (B) violates section 1(b) or 2(b) of this chapter; and  
13                  (C) operated a vehicle in which at least one (1) passenger was  
14                  less than eighteen (18) years of age.  
15       (b) A person who violates section 1 or 2 of this chapter or  
16       subsection (a)(2) commits a Level 5 felony if:



1 (1) the person has a previous conviction of operating while  
2 intoxicated causing death (IC 9-30-5-5); or

3 (2) the person has a previous conviction of operating while  
4 intoxicated causing serious bodily injury (IC 9-30-5-4).

5 **(c) Except as provided under section 16(b) of this chapter, any**  
6 **person:**

7 **(1) convicted of violating subsection (a) or (b); and**

8 **(2) granted specialized driving privileges under section 10 of**  
9 **this chapter;**

10 **must have a certified ignition interlock device, as defined by**  
11 **IC 9-30-8-2 and IC 9-30-8-3, installed on any motor vehicle owned**  
12 **or expected to be operated by the person.**

13 **(d) At the time the ignition interlock device is ordered installed,**  
14 **the court shall specify the amount of time that the installation must**  
15 **remain in effect. The term of the installation may not be greater**  
16 **than the maximum term of imprisonment that the court could have**  
17 **imposed.**

18 **(e) The person described in subsection (c) shall pay the cost of**  
19 **the installation of a certified ignition interlock device under this**  
20 **section unless the sentencing court determines that the person is**  
21 **indigent.**

